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HUSBAND AND WIFE

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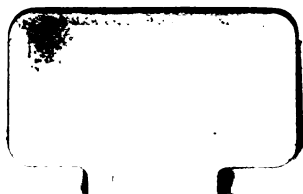
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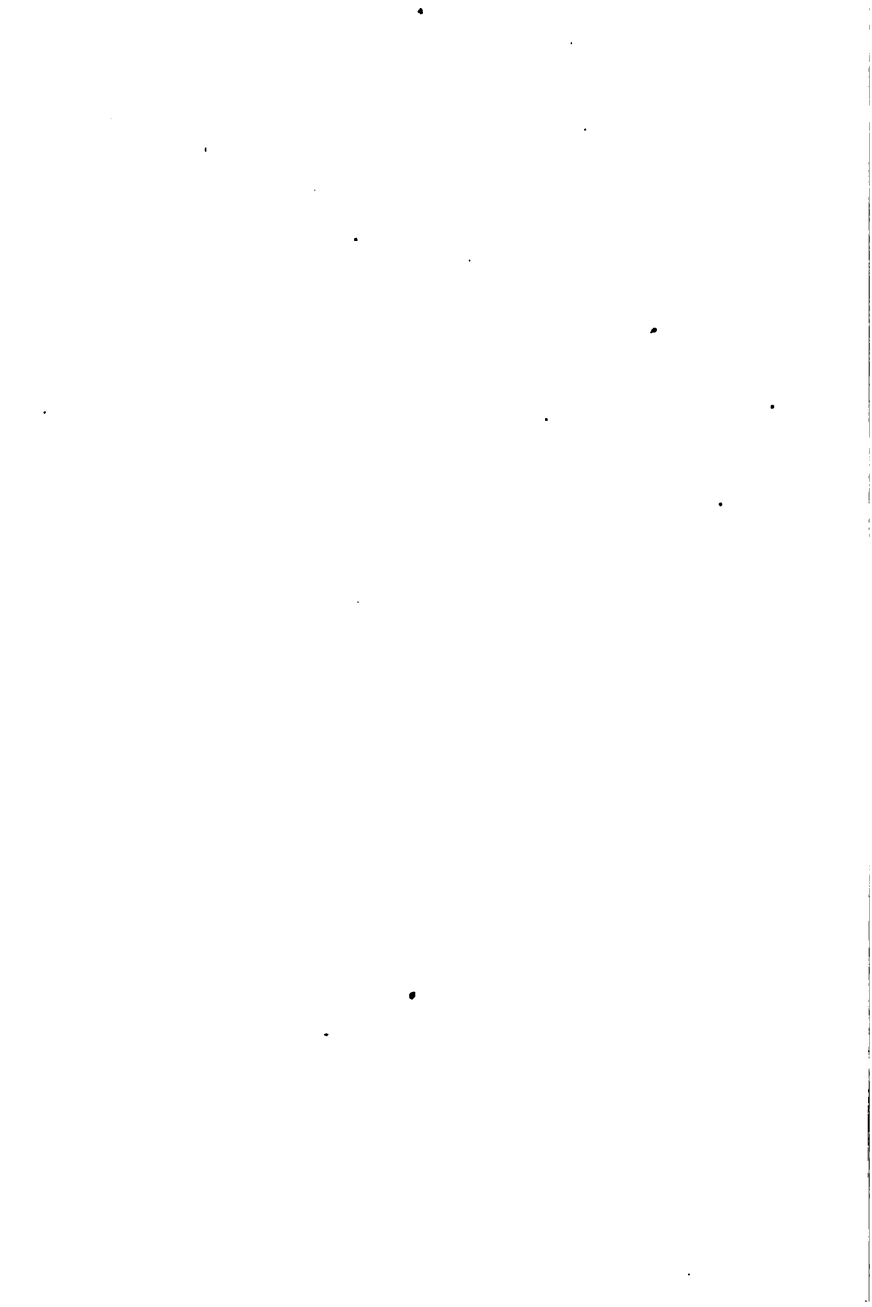
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HUSBAND AND WIFE
OR
THE THEORY OF MARRIAGE AND
ITS CONSEQUENCES

BY
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DEAN OF THE EPISCOPAL THEOLOGICAL SCHOOL
IN CAMBRIDGE

WITH AN INTRODUCTION
BY
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BISHOP OF CENTRAL NEW YORK



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PREFACE.



THIS essay is the amplification of a paper on the marriage of a deceased wife's sister, which was prepared for an association of clergymen in Boston, and it is published because the writer was requested to do so by those to whose judgment he defers.

It is simply an inquiry after the truth regarding the relations created by wedlock, in the light of facts which, though familiar and undeniable, do not seem to have been duly taken into the account in the discussion of the family, marriage, and divorce; and it is hoped that it may contribute something towards the present investigation of these momentous subjects.

Little reference is made to the extensive literature of the topics involved, be-

cause, as will be seen, the issues dealt with are preliminary to those usually treated in such works, as well as because it is desired to avoid controversy, and to keep the essay within limits as to length.

CAMBRIDGE, MASS., *February*, 1885.



INTRODUCTION.



WHAT the undersigned wishes to say of this Tractate, having advised its publication, is that, in his judgment, any consideration of the great subject of "Marriage and Divorce," now prominent before the mind of the Church, must be incomplete without taking into view the doctrine here presented, and that the public discussion now going on must be inconclusive unless it deals with this doctrine explicitly and fairly. As the author evidently sees, the attitude of his main position towards each of the two opposite parties now agitating the question of the mutual relation of the sexes is at once adverse and conciliatory. To him, however, as to every sincere and coura-

geous servant of the truth, opposition and favor are alike subordinate to a higher interest.

To the argument itself, compact and comprehensive as it is here, much doubtless remains to be added on either side, chiefly in the way of ecclesiastical precedent or authority. Individual opinion can have little weight ; prejudice has had too much. It is sufficient, perhaps, at present to open the inquiry with an orderly exhibition of fundamental principles, and an appeal to physical nature, to Jewish and Ethnic law and tradition, and to the teaching of the New Testament.

Too much can hardly be said in praise of the moderation, candor, and largeness of spirit manifest throughout these pages on a topic, where, as has been abundantly shown by disputants elsewhere, dogmatism and denunciation to the verge of impropriety have not been wanting.

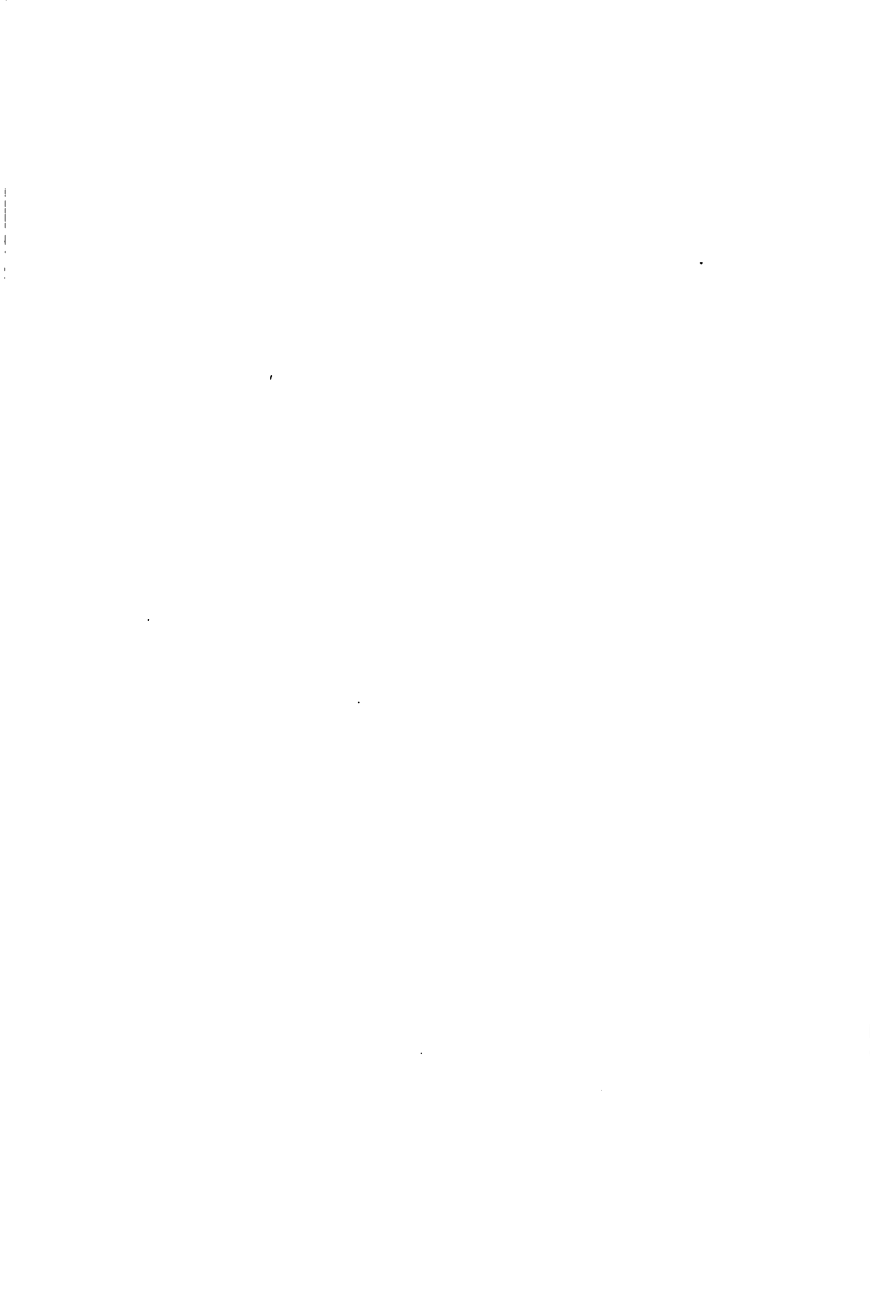
In regard to the catholic finality or the

Scriptural warrant of the English Table of Prohibited Degrees, it is safe to remember that the question is open ; that it will not be closed by dictation or the *odium theologicum* ; that sober wisdom, critical accuracy, intelligent zeal, and righteous sacrifices in behalf of domestic honor, sexual purity, and the sanctity of the family, as God's ordinance, are not found exclusively with those who affirm or those who deny, and that the one view or the other is not a criterion of either sound churchmanship or high morality.

There is room for a cheerful hope, and there are some signs, that, by patience, thought, and study, a way is yet to be discovered of dealing effectually with the fearful problems involved in a determination of the principle contained in the original fact, and the divine declaration, "Male and female created He them."

F. D. HUNTINGTON.

SYRACUSE, *March* 30, 1885.





I.

Introductory.

THE lawfulness of marriage with a deceased wife's sister is, at present, as is well known, widely debated in England, where an effort is made to repeal the present prohibition regarding it. This prohibition is one of the ancient laws of the Christian Church, and as it is based on a principle that is seen to affect other marriages as well, its defenders are rightfully and properly very much in earnest. It is also the case that many in the Protestant Episcopal Church in the United States desire that the same law be enacted, or declared in force, in that communion, and they are also very sincerely in earnest.

It will be said by some that the issue is not important to them, that it is only a

local or an antiquated controversy ; and much mirth is frequently expended upon the subject. But, as it is the aim of this essay to show, principles are involved which affect the whole constitution of the family, the entire conception of marriage, the scope of divorce ; and surely these are not subordinate issues, even in these days, and any discussion that involves them is entitled to respect. They are perhaps the most living issues now in debate, for they are debated in all quarters, and society must depend, as to its welfare and its purity, upon their proper settlement. The Church and the state in all lands are deeply concerned in the condition of that other institution, the family, which preceded and shapes them both.

It may be alleged, on the other hand, that nothing new can be added to a discussion already so prolonged and so exhausted. It may seem presumptuous to say so, yet it is believed that the position of this essay is, nevertheless, new to the discussion.

It has not been urged or stated in print in England or in America, neither in the argument that has been so protracted in the former country, nor in the books on marriage called forth in the latter, by the peculiarities of American legislation.

At least, this is the case so far as the writer has been able to ascertain. This is surprising, because the matter of the headship of the husband has been persistently emphasized, and yet no discussion seems to have taken up the question of the theory of marriage, which is involved in such headship, and must be its basis. The position of this essay is that this flows rightly from a principle that lies behind it, even the organic relation of the wife to the husband. Any conception of this relation carries with it far-reaching consequences, yet it has not been considered as it should be in the treatment of prohibited degrees or of divorce.

The idea to be set forth is familiar to

some of the clergy of the Protestant Episcopal Church, who have been led to it in their study of the marriage question, and its chief advocate, perhaps, has been that eminent man of God and student of the Bible, the late Dr. Odenheimer, Bishop of New Jersey. The writer has been led to give it especial attention, by certain circumstances, and to work it out in the following line of thought ; but he would shrink from publishing these pages, did he not believe that he therein expresses the opinion of wiser and more influential thinkers than himself.

To elaborate all the arguments adduced, to deal with all objections, to amplify all the postulates, would exceed the limits that are at our disposal. It is only hoped that the matter may be clearly stated, and then it will be left to the consideration of those who may be interested, with full readiness to accept correction, and yield to other conclusions, if the position is refuted or shown untenable.

It will be said, at once, that if the doctrine is new, its novelty refutes it, after so much study and thought on the matter of marriage.

The full force of this is felt, but it will be seen at the close that there are reasons why the view herein advocated has been lost sight of, which are not surprising, in view of the circumstances of early Christian history. And, beyond this, we must bear in mind the great aphorism of Bishop Butler, — that in the most familiar subjects of study there may be many truths not yet discerned because there has been no investigation that has had them as its object.

It is also known that the conclusions will seem very unacceptable to many, perhaps most, readers. On the one hand, the modern spirit will repudiate them as reactionary, and, on the other, those who are conservative on the subjects of marriage and divorce will deem some of the posi-

tions taken too conservative even for themselves. To the former, the reply is that, as the argument will show, they are positions virtually implied in their own daily practices and expressions. Of the latter, it is only asked whether these are not the consistent consequences of their own starting-point as to the standard of truth regarding marriage.

Whether the Church or the state has a right to make such a law as that which now holds in England, and which has been inherited from the canon law of ages preceding the Reformation, I do not propose to discuss. It may be that expediency calls, not only for this particular prohibition as to the wife's sister, but also for others of the many that are embraced in those ancient rules, but laid aside in America. Nor is it denied that reasons of propriety may call for the retention, where they exist, of this same list of restrictions, or of some of them. Nor is it to be de-

bated whether or not the law of the Church of England is already binding upon the Episcopal Church of America. This essay starts from the one question of the *divine obligation* of the prohibition as regards the deceased wife's sister, and that of others linked more or less closely therewith by logical inference.

The discussion of this will, however, involve the chief object of our study, inquiry into the true theory of the marital union, as indicated in the teachings of nature and of revelation, and its consequences.

The importance of this is obvious, and need be stated but once for all. Experience and reason show that an organization, or an institution, can only live and prosper when kept true to the law of its being. A state will surely decline that violates the principles of political organization. The church that disregards the essential bases of Christianity is doomed. And so, if practice or legislation regarding marriage is not consistent with its funda-

mental principles, then the family is in peril, and the peril of the family means the peril of all that is precious and vital to society, to the world, to the generations yet to come.



II.

The Issue.

THEY who maintain the binding character of the prohibition to marry a deceased wife's sister, and of all prohibitions that involve the same questions and principles, do so chiefly by the following arguments.

They quote, first, Leviticus xviii. 18 :
"Neither shalt thou take a wife unto her sister, to vex her, to uncover her nakedness, beside the other, in her life-time."
It is hardly clear how this forbids marrying the sister of a wife that is dead, yet we admit that many wise and learned men maintain it upon exegetical grounds. We need not tarry now to argue it, however, for the question can only be settled by the principle at issue in this discussion.

More stress is laid upon Lev. xviii. 16 :

"Thou shalt not uncover the nakedness of thy brother's wife; it is thy brother's nakedness." It is maintained that this is meant to forbid marrying such a woman when a widow, although it is not explicitly stated. As will be seen, I am not disposed to question the position, because of the view to be taken of the relationship instituted by marriage, but it is difficult to see how the usual arguments sustain it, as far as they do not base it upon such a principle as that to be stated hereinafter, for that principle, being the one underlying, as is believed, all the Mosaic precepts regarding marriage, does carry with it this conclusion, apart from mere exegesis, which may be disputed or denied.

But the question arises, if this law does forbid the marrying of a brother's widow, except in the case of Levirate marriages (that is, when no children resulted from her former marriage, which is considered later), how does it cover the case of the deceased wife's sister? It is said to do

so by implication. Husband and wife, we are told, are "one flesh," according to the language in Genesis and in Leviticus, the words of Christ and the teaching of St. Paul. Consequently, it is added, the sisters and brothers of either are so equally related to the other, that a prohibition in one direction means one in the other, with all the consequences that follow. As Hugh Davey Evans has said in his valuable book on marriage, and as others repeat in similar words: "The reason assigned for the prohibition is equally applicable in one case as the other. If it is unlawful for a man to marry his brother's wife, because they, the deceased brother and his wife, were one flesh, it must be unlawful for a woman to marry the husband of her sister, because the deceased sister and her husband were one flesh." Or, as Dr. Fulton says in his most learned work on *The Laws of Marriage*: "The unity of man and wife implies that the relations of the one are relations of the other" (p. 46);

or, again, the Scriptural representation of marriage shows "the evidence of the perfect equality of their relations to each other" (p. 13).

But it is not necessary to multiply quotations to show, what all concerned will probably admit, that this is the usual argument relied upon, and that it is generally regarded as conclusive for all marriages that are affected by consistency of reasoning. It appears to be logical, and it is, if the premiss is granted, that the husband and wife are one flesh in such a sense that the kindred of either are equally related to the other. But it is just this premiss which needs to be proven, and, as it is now to be argued, it cannot be proven. It is rather the reverse of the truth, according to the teachings of Scripture and the belief of mankind, as shown in the customs regarding marriage and by the fundamental law of the constitution of the family.

In entering upon the discussion, while

dwelling upon the Biblical principles, as laid down especially in the Levitical rules referred to, I do not mean to consider directly the question of the present and enduring force of those rules. This question is more important than many apparently imagine. Too often the obligation of these rules is assumed to be due merely to the arbitrary will of God. This is suicidal to their defenders, for, at once, the reply may be made that God may have indicated His wish that they be laid aside in later days, by providential orderings, or that He may be willing that we do so in new emergencies. The question must be argued, as with all dealings of God, when He is ethically conceived of, in the light of the reasons which He had for such enactments. Then the matter of their permanence will, in the absence of any further disclosure of His will, turn upon the permanent character of those reasons.

Or, to look at the matter more nearly, there are really two questions involved.

One is this: Why did God forbid any marriages at all? Why were His people not allowed to marry their sisters and other near kindred? This was a very general custom among the nations of old. It was the rule in such cases as the royal family of Egypt, and seems to have been the tendency in early Biblical history. Abraham married his half-sister. Other cases, like those of Nahor, who married his niece, and Amram, who married his aunt, will be found, as surprising to our present ideas, yet not deemed improper in ancient times. Why, then, was this prohibitory legislation embraced at all in the work of Moses? Why is it in any degree binding upon us? Whether, ideally, close marriages are not more proper than the mixture of different bloods; whether they were forbidden for the prevention of the aggravation of family tendencies to disease, or to teach moral purity, as was the case in prohibiting the eating of certain animals, or for reasons yet more essential and fun-

damental, these points still need treatment beyond what they seem to have received. For, unless adequate reasons can be shown for discrimination as to permissibility in marriages, there is no telling where such discrimination may not be entirely given up, or denied, as arbitrary and outgrown, — signs of which spirit are not wanting in the world to-day.

The other question is this : What was the reason for the peculiar list of prohibitions in Leviticus? Is there any principle back of them which warrants them? If not, then what reply can be given to those who say they are all effete? But if there is a reason, then the issue is simply whether it still holds or not. As will be seen, this paper maintains that they are based on a principle which is part of the theory of marriage, and therefore that they are of perpetual force. But this anticipates our argument, and cannot yet be considered.

So the issue is confined at present to

this one point: Does the teaching of Scripture that man and wife are "one flesh" mean that there is such a parity in the union that there result, on the one side, implied limitations upon marriage similar to those given, in Leviticus, upon the other? The old church law answered this in the affirmative, and the prevailing tone of thought of the day is based upon this same fundamental conception of the union of man and wife, while, of course, it draws no such limiting inference therefrom.

Therefore, let us study this simple question: How are man and wife one flesh? What is the meaning of the phrase? It will be seen at once that it is the fundamental issue in the whole question of the family. As was said a moment ago, the family is the most important factor in the nation, and all civic welfare depends upon its normal condition. But this latter depends upon the family itself being true to its organic law, and that organic law must, after all, be the law of the relation of the

husband and wife. The family is the husband and wife, to whom children are born. The crucial and regulative question, then, as to it, is: What is the character of that union in which a man and a woman are joined in wedlock? How do they stand related to each other in that union? This is the question before us, raised by the debate regarding the marriage of a deceased wife's sister.



III.

The Possible Meanings of "One Flesh."



HERE are three conceivable views of the way in which man and wife are one flesh.

It may be by his being joined to her flesh, so that she is the head and he is dependent ; that is, he may come to her and enter into identification with her. This will hardly be maintained by any with whom we are now concerned, being a degree of Amazonianism which is not at present to be feared or debated.

Or, it may be that neither is joined to the other so as to be identified with the other, but that both mutually approximate to form new flesh, a *tertium quid*, to occupy a position new for both, with new and similar relationships resulting on both sides, and the same limitations following in both directions.

This idea of marriage, that it is what may be called an "equilateral" transaction, is, as has been said, the view of the old canon law as well as of the mediæval civil law, both of which make marriage simply a contract. This is the interpretation of the "one flesh" principle at the basis of the arguments of those who infer that what is forbidden on the woman's side, in marriage, is also denied on the man's side. It is also assumed by all writers upon marriage, as far as is known, and assumed without any discussion, by critical men, as a starting-point, although it involves the entire validity and all the results of their arguments.

It is of course, also, the view of most of the legislation of modern times, and the basis of movements which put man and wife on an equality, in other than family matters, to a greater or less degree. It is the principle that is shaping the trend of thought in many quarters, regarding all subjects connected with the marital rela-

tionship. If it is the truth, then the full consequences, which will be seen, must not be feared nor avoided. But, as has been said, the fundamental question is whether this is true ; whether the equilateral interpretation of the unity, or of the "one flesh," in marriage, is correct.

The third alternative is that the two are one, not by the man's being united to the woman, nor by the two being united to each other, but by the latter being joined to the former. That is, not by his becoming part of her flesh, nor by both forming a new flesh, but by her entering into his flesh.

This last is the position of this paper. It is to be maintained that the interpretation of the phrase "one flesh" is accurately given in the place where it first occurs, in the Book of Genesis. There we read that Adam said of Eve: "This is now bone of my bones and flesh of my flesh." The first of the above alternatives makes the man flesh of the woman's flesh.

The Possible Meanings of "One Flesh." 27

The second makes neither one flesh of the other's flesh, but constitutes a new flesh. The third makes the woman just what Adam said in the place quoted, flesh of the man's flesh.


Let us now briefly detail the arguments for this position, from Scripture, the Church's customs, and the laws and usages of mankind. In so doing, we shall see, not only that it has been the principle underlying marriage and the family, at all times, but we shall also see, to a certain extent at any rate, what it means.

After that, we shall as briefly notice the scope of the bearings of such a theory of the marital relationship, especially with regard to the matter of prohibited degrees and divorce.



IV.

The Teaching of Ancient Customs.

 HE firmest and most universal feature of marriage is the headship of the man. It is not to be questioned that this has been the custom, not only among the rudest, but among the most civilized peoples of the world, apart from certain exceptions, in some lands, which are confessedly abnormal and absurd.

Now, what is the basis of this, which is the acknowledged practice of the human race? Here is where the usual treatment of the subject of marriage fails to help us. Writers start from the practice, but neither explain it nor give a reason for it, except some such reason as that the man is stronger and must of necessity rule, or that, as he has to bear the brunt of life, it is just

that he should be allowed to do so. But these may be truly said to be reasons which are not ethical ; that is, no reasons at all, and that if this is all that can be said, the custom is to be rejected when feasible, as happens not infrequently.

But a proper view of a custom, and still more of a law of God, is that there must be a sufficient reason of a moral sort, and this has not been given us in the discussion of the question. That is, this headship must have a firm basis in the theory of the marital union, or it cannot stand. It will only be submitted to and accepted until it is overthrown. But if the wife is flesh of the man's flesh, then this headship clearly results as a true and evident consequence. This was seen to be its warrant by the Jews and the heathen, not perhaps in a faultless way, yet correctly. They perceived the true theory of marriage in a way which gave a validity to marital and parental authority which few in the Church have been able to give to it by their arguments.

For, as to the heathen world, that such was its view of the relation of the wife to the husband is too evident to need long discussion. Wherever we look, we see that the woman and man do not occupy the same position, but that she is regarded as joined to him, that the transaction of marriage is rather "unilateral" than "equilateral." This, as is well known, was and is the case in many lands, even to cruelty and oppression on the man's part. It must not be hastily said that this is only a subjection of woman due to man's being stronger and able to enforce authority by his might, that his supremacy is only the result of his love of dominion and of woman's inability to resist it. There must have been some principle which gave strength to the claim even when abused, just as submission to authority in the state can only be explained by the supposition of some principle which supports the claim of the magistrate and leads to the submission of the citizens, whether they chose

him or not for his position. There is such a principle in the evident belief entertained and acted upon that in marriage the woman is joined to the man. This is seen, not only by such customs as the purchase of the wife, but by other customs of the most advanced peoples. In Rome, *e. g.*, as Mommsen says (vol. i. p. 50), "the daughter, by a true marriage, passes out of the father's hand into that of the husband, and out of her race and religion into those of the man." Or, as de Coulanges says also of other lands than Rome (The Ancient City, chap. ii. *passim*), the girl abandons her religion, gives up the God of her infancy, has the same deities as her husband thereafter. "She has no right to worship any more the dead among her own ancestors. Marriage has completely detached her from her former family. She carries offerings to the ancestors of her husband; she is of their family, they have become her ancestors. She belongs entirely to her husband's family." Or, as Dr.

Fulton says (p. 20), "She became a member of his tribe, his *gens*, his family, and was received under the protection of his household gods, so that the marriage included a 'communication' (to the wife) of all rights, divine and human." President Woolsey writes at greater length to the same effect. But this, which all concede, is simply the expression of the idea that the woman is one flesh with the man because joined to him and grafted on his stock.

Such was, and is still among the heathen peoples, the theory of marriage; carrying with it, of course, the universally accepted supremacy of the man, which has therein a reason, and is not a mere result of greater strength, or a usurped tyranny.

Most signally is this idea expressed by the practice of capturing wives by more or less violent methods. To a degree which may not be fully realized, this is the custom of mankind in its primitive stages. It is general in undeveloped races to-day, and

traces of it seem to linger in the usages of peoples that have long since given it up, as, for instance, in Wales. Now, whatever be the origin of the practice, it testifies to the fact that the very instinct of the human constitution is that the man takes the woman to himself and into his family stock.

A legal maxim of ancient Rome gave this idea very definite shape. "*Mulier finis familiæ*," or, "a woman is the end of a family," means that her children are not members of her own family, but of that one into which she has been married. This was the rule in primitive society, that kinship through females was unknown. In India, their names are not included in pedigrees, for this reason. But it continued the theory and practice, even in Rome, until about the fifth century, when the idea of the parity of the wedded pair, with that of a contract in marriage, succeeded in getting a foothold which it still retains in jurisprudence.

Again, the practice of polygyny shows the same belief, especially when contrasted with the rarity of polyandry. It shows the feeling that as one might be, so many women might be united to a man, but that a woman's having many husbands has no such ground nor reason. Even to the heathen mind there is a distinction which forbids the one abuse where the other is common.

But it may be said that this is all the feeling of savage or coarse ages, — that there is no higher warrant for this conception of marriage. This is to be examined. It may only be replied here that it is an indictment hardly creditable to human nature to say that the universal idea of the race as to the fundamental factor of the community — the family — was all wrong. It would seem that such of these customs as we reject were more probably abuses grafted on a truth than expressions of a radical error, and that the foundation of the family idea was shaped by natural laws

The Teaching of Ancient Customs. 35

and persistent facts of sex, that is, that it rests upon them, of necessity.

But let us now see what light is cast upon the matter by those taught, as we believe, of God.



V.

The Teaching of the Old Testament.



WE find herein, from the first, such language and such conduct as seem to express most definitely the idea of the wife's being flesh of the man's flesh. It is so, as has been seen, in the case of Adam and Eve. She is taken out of his side, whatever that means, to be a helpmeet for Adam, and afterwards, when he formally takes her to wife, he says she is flesh of his flesh, and thus, adds the narrative, is it ever to be in marriage.

This continues to the end of the Old Testament. The wife is spoken of, consistently with this theory, as if identified with the husband, part of his family. She is often regarded as only an appendage to him, not mentioned where we should ex-

pect her name to be found. The words used regarding contracting a marriage are significant. We always read that a man "takes to himself" a wife. To read this phrase reversed would be out of harmony with the whole Scriptures, as well as grotesque in our own sight. Very notable is the parallel, so constantly insisted upon by the prophets, between the relation of God to Israel and that of husband to wife. This shows, beyond any dispute, the Jewish and prophetic conception, as that of the union of the woman to the man, for it is this alone that gives any sense to the figure of speech.

But not only is this so all through the Old Testament, — that conduct and language express the idea of the union of the woman to the man, — it is the tenor and the principle in the book of Leviticus, where marriage is especially regulated by laws. We read only of what women a man may or may not take to himself, — never what a woman may or may not do. In all

that is said of marriage, it is regarded as the taking of a woman by a man into his family and life and stock. The whole treatment is exclusively on that presumption, with the consequences that follow. There is no legislation contemplated for any other proceeding or kind of marriage than this.


Of course, this line of thought might be indefinitely amplified by quotations from the Old Testament, but that marriage is there presented in this aspect, and in this alone, will be, probably, denied by no one acquainted with that volume.

But it may be said that the New Testament teaching has superseded the Old, and that we must look there for the truth as to the family, as well as the state and Church. Let us do so. It would involve more space than we have, to treat this fully, for the matter is directly or indirectly referred to in very many places. All that we can do is to make a few statements which, it is hoped, are easily verifiable.



VI.

The Teaching of the New Testament.

N opening the New Testament, we first ask how Christ viewed this matter. We find that He endorses and accepts the current Jewish conception as to the relation of the wife to the husband. He does so by making no reference to any other conception ; not even, as we shall see, when He teaches regarding marriage in order to correct existing abuses. He uses the same language as to a man's "taking a wife " which is found in the Old Testament, and never the reverse. This phraseology, which, as has been seen, is so significant, derives new weight from His use of it. Furthermore, it is not without importance that He took approving part in a wedding where this idea was acted out and expressed. And one point is of

decisive moment. The family is the chief institution among men. It was established before the Church or the state, and lies back of, and behind, both. It is that which has most to do with the existence and temporal welfare of the race. The paternal and marital relation takes precedence, while in force, of all others. Now, can it be conceived that Jesus would have failed to correct the prevalent theory of marriage if it was all wrong? Surely a Redeemer, surely such a Moral Teacher, would at least have laid down principles to counteract an error on this point, if He had found any such error in the world, or in the ancient people of God to whom He came as Messiah and King.

Furthermore, in the New Testament notice is taken of an abuse already noticed, which had been common in the early history of Israel, and was still prevalent among the nations, that is, polygamy, or, more correctly, polygyny. Christ laid down principles antagonistic to it, and St.

Paul dwelt upon it more markedly. The latter had to oppose it definitely, because he labored where it was common. Now, clearly, the basis of it was, as has been stated, the idea that, the unity being in the man, he might join to himself as many wives as he chose. But if the opposite, or the equilateral idea, was correct, then the mere statement of it would have been an immediate and final answer, a complete argument against the practice. But no such argument is used ; such a clearly insuperable reason for monogamy was left unuttered, when it was demanded, if true. The only explanation of such silence is that St. Paul, and Christ, whose teachings the former knew and repeated, regarded the current theory of the union as correct, and felt that polygamy should be refuted on some other principle than the parity of the married pair.

But St. Paul's belief is most clearly shown in the *locus classicus* on the subject

of marriage, Ephesians v. 22 to 33, where the relationship of the Church to Christ is said to be like that of the wife to the husband ; a comparison based, undoubtedly, upon the relation of Israel to Jehovah in the Old Testament, but more fully carried out.

Let us give the passage, as to the essential parts of it : " Wives, submit yourselves unto your own husbands, as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the church : and he is the saviour of the body. . . . So ought men to love their wives as their own bodies. He that loveth his wife loveth himself. For no man ever yet hated his own flesh ; but nourisheth and cherisheth it, even as the Lord the church : for we are members of his body, of his flesh, and of his bones. For this cause shall a man leave his father and his mother, and shall be joined unto his wife, and they two shall be one flesh. This is a great mystery : but I speak concerning Christ and the church.

Nevertheless let every one of you in particular so love his wife even as himself ; and the wife see that she reverence her husband."

Now, it is perfectly true that a figure of speech must not be made to "go on all-fours." But that which is the point of the comparison, the thing to be illustrated, cannot be neglected. And in this case, unless there is such a resemblance between the relationship of husband and wife as accords with what is the peculiarity of that between Christ and the Church, it is difficult to see any force in the analogy, or any lesson intended by St. Paul. If the union is not regulated by the same principle in both cases, what is there left of the Apostle's teaching, and what is the importance of the "great mystery" on which so much stress is laid by him ?

Let us note some of the statements regarding this. We are told, first, that the husband's headship is like that of Christ. Again, the union is of such a character

that the man that loves or hates his wife loves or hates himself. And chiefly note that it is said that, in this "mystical union," Christians are to be regarded as members of Christ's body, of His flesh and bones, just as the wife is part of the husband. Now, as to the former relationship it must be really as represented. Christ cannot be of the Church's flesh. Nor do they come together to form a new flesh. This marriage is not an equilateral transaction, by any means. This drives us, it would seem, to the conclusion that, in St. Paul's mind, such is also the character of the unity in marriage which is said to be similar, that the wife becomes flesh of the husband's flesh, does not enter with him into the mutual constitution of a new flesh. There may be quoted against this view the passage, "the husband shall leave his father and his mother, and shall be joined to his wife, and they two shall be one flesh." (Eph. v. 31.) This cannot militate against the context, but must be construed in ac-

cordance with its statement that they are one because the woman is one with the man in his flesh; and it need not, for it simply means that he must so live with her, and be one with her, as to no longer stand in the former domestic relations to his parents. Not only does he pass out of tutelage and subordination to those parents, at marriage, but he is to form with her a new family, make a new home, give himself up to caring for and loving her.

This passage may be attenuated and its inferences limited as much as one pleases, yet, if there is any sense in it at all, the equilateral view of the canon law and of current opinion, as well as many a learned argument, meets with what looks like utter shipwreck on this teaching of the chief expounder of Christianity as to marriage.

But it may be replied to this that the Church has not so interpreted the teaching of Scripture. It is true that the ancient canon law, as has been said, has not

done so, but a different reply must be given when we ask regarding the view of the Church which is expressed in the ordinance or ceremony of marriage. We now turn to this.



VII.

The Teaching of the Church's Ceremonial.

IN considering this, we take up the practice of the Church of England and of the Protestant Episcopal Church in this country, the members of which are chiefly concerned in this controversy, and here we find certain marked and decisive facts, which need only detain us a few moments.

Here we find that the minister, after inquiry as to the wish of the parties to marry, and their intention to be true to one another, asks: "Who giveth this woman to be married to this man?" Her father, or friend, gives her to the minister, representing the Church, and the latter gives her to the man, causing him to receive her formally by the hand. Then mutual vows are exchanged, as is proper.

After that, the man places a ring on the woman's finger, saying that therewith he weds her. Now, some of the phraseology in the present service seems indeed to express an equilateral transaction, but the two features named are the old, essential parts of the ceremony, and it is difficult to see how the idea of union to the man, becoming flesh of his flesh, can be more significantly expressed than by the woman's being given away to the Church, which in turn gives her to the man, and by his then taking her to himself by the ceremony of the ring. There is no mutuality in this, no parallel action on the part of the woman, no parity of attitude in the transaction.

These peculiarities are not confined to the Anglican communion. They are, with more or less variation in form, of primitive antiquity, having been introduced from the customs of Rome, and are retained in other churches which, inheriting the customs of the past, have not altered them.


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To give their history and full explanation is hardly necessary, as they are treated in all works upon Christian antiquities. Suffice it to say that they show how the Christian view of marriage, as expressed in the Christian ceremonial, is the same as that of Scripture, and very different from that which has been prevalent in the legislation of the Church, which is of later origin by several centuries. This is in harmony with that rule which is so often noted by students, that liturgical or ritual forms preserve ancient ideas long after other conceptions have gained currency among those who use such forms.



VIII.

The Teaching of Present Custom.

T may yet be said that all this is not final; that not only the view of Scripture, but also that of the Church, is antiquated, and that to go back to other ages for our arguments is to appeal to outgrown conceptions.

Let us now see what is the view of marriage which accords with the present convictions of mankind.

As to the significance of current phraseology, it is very noticeable. We do not say that a woman takes to herself a husband. It smacks of indecency. The reverse is the only allowable expression, that the man takes her to be his wife; that a man, not a woman, thinks of getting married. Or, again, do parents say of a son that they give him to a woman? Is it not

always that the parents of the latter give her to her husband? The other way of putting it would be regarded as wrong, unless there are communities "advanced" enough to stand it.

And when marriage is contemplated, the man seeks the woman, proposes to her, asks her to come to be his, and to live with him, and she gives herself to him. That is, courtship is not managed as an equilateral affair, nor is the initiative taken by the woman. He is the appropriating and active factor, according to the most refined, as well as the most savage customs. She is regarded as going to him, to enter his life, to be identified with him and one with him.

After marriage, the idea is still maintained in the way the two are viewed. She is his in a sense in which he is not hers. In the ordering of the home the man is the head and representative, in law and in usage. Where there is no head, or where both are head, which is the same

thing, or where the woman is the head, ridicule follows, as well as "confusion and every evil work." The common sense of the world, as expressed in its legislation, its customs, and its rules of propriety, thus regards the man as the head, because the centre of unity of the family.

This is expressed most markedly in the practices and customs of the world as regards the so-called "rights" of women, when married. There need be no quarrel with the movement to protect their earnings, to allow them the rights of separate devise, and others in the same line. Without doubt, such modifications are demanded, and are successful in securing good results. But, after all, this very legislation shows that it is a necessary modification of otherwise proper customs. For in cases or emergencies not especially provided for, of which many remain in the practice of the most progressive and civilized communities, the old customs still hold; such as, for instance, that, in default

of children, or intestacy, the wife's property tends towards the husband's heirs rather than towards her own kindred. That is, legislation in these matters is regarded as placing limitations upon a true principle, for the sake of expediency.

But there is one general custom which has not yet been changed by all the novelties in legislation or practice of recent days. It is that the woman loses her name and takes that of her husband. Mary Smith, upon marriage to John Brown, becomes Mary Brown, or, more precisely, Mrs. John Brown. She is dropped from her own family tree, disappears as a Smith, and appears thenceforth as a Brown, one of that blood. Her children are not members of her own former family, are not included in that pedigree; but are members of the husband's family, counted in the line of his descent, just as much as in ancient times and in more primitive society. All she has and is is transferred to him so effectually that her very substance is thus

regarded as entering into his stock, and made part of his family forever.

While treating this subject, a case came to the knowledge of the writer, where the children of a married pair were left free to choose either the father's or the mother's name. Some have taken the former, and some the latter. This seems as monstrous as it seems ludicrous to sane and refined people. But what can they say against it who hold the usual view as to husband and wife? It is simply the lawful and logical acting out of the idea which they inculcate. These very persons concerned would say, and do say, that the headship of the man is the only basis of the usual custom of the assumption of the paternal name, and that this headship is only a relic of effete ideas, for do not husband and wife stand in the same relation to each other and each other's kindred? But the very abhorrence that is felt at the mention of such a case testifies to the innate feeling of the heart as to the truth of that re-

lationship, and shows that the equilateral idea breaks down when consistently carried out. Now, what can more intensely express the woman's becoming flesh of the man's flesh than this actually losing her name and identity in him, and bearing children who inherit, not her own, but his name, and all the privilege and wealth, or shame and poverty, that go with it? It means that she becomes joined to him and to his people in a very literal sense. How can it be reconciled with the idea that they came together in an equal way, that it is a mutually parallel contract? In that case all questions of rank, pedigree, inheritance, all connected with these matters, would be very differently settled from what is now the custom. Therefore, so long as the results of marriage in these respects continue as they are, it cannot be called equilateral, for it is the passing of the woman out of her former relationships into those of the man, whose own status is not changed.

Another very decisive consideration is the testimony of art, for in its highest and most refined forms it represents the relation of the lover to the beloved, of the husband to the wife, in the way that we have been seeking to indicate. In the great dramas of the present, as of the past, in the lyrics that the world loves and enjoys, in the works of fiction that we prize, in the paintings which win our admiration, the attitude of the sexes in this respect is not that of parity, but of the taking of the woman by the man to be his own, in a manner in which he does not belong to her. The reverse would be intolerable to correct taste, a crime against æsthetic propriety. To change the conception would require that all such literature be rewritten, and all delineation of love be reconstructed. It would demand a revolution in art which would destroy it, and consign it, with all in it that has been precious and moving, to the limbo of the outgrown and effete. The contemplation of such a

change not only makes us feel how immense a task it would impose, how impossible a new literature would be on such an attempted basis; it also suggests grotesque and ludicrous anticipations as to what such a literature would be.

This is no empty argument, as some might say who would tell us that it is reasoning from sentiment. The intuitions of art, the voice of sentiment, are no vain or conventional things. They are founded upon the fitness of things, and, in their sphere, give rules and settle questions for mankind. Convictions or opinions as to what is the law of life in these matters, which have been expressed or accepted by such men as Shakespeare, Goethe, Tennyson, Scott, Thackeray, Browning, Longfellow, and the other seers of every age, are not to be put aside as arbitrary, or at variance with the highest truth. The genius and the power of such men lie just in their insight into the ideal, and any endeavor to overthrow their teaching, or to

deny their capacity to guide us, will be as hopeless as it will be judged absurd by all who believe in the revelation through art.


It will be said, still again, that all this proves nothing ; that these are old customs which have no force in an argument ; that they are more or less convenient regulations, more or less attractive ideas, but have no reason in the nature of things, and must and will be modified by the conditions of advancing development.

Is this so ? Is the wife's taking the husband's name and sharing his rank, while he neither takes her name nor rises or falls to her social position, only a conventionality ? Is the custom of agnation, or counting kinship and descent through males, only a groundless usage ? Or are these both based upon some principle in the constitution of humanity ? Let us study this for a moment, for to do so at length would lead us beyond our limits.



IX.

The Natural Basis of the Above Teaching.

T would seem, as was said above, that customs so universal, as well as so sanctioned by the Scriptures, must have a real reason. A view of the relation of man and wife which has been as extensive as the race can only be accounted for by some necessity or obvious law. If the relation of ruler, or magistrate, and citizen springs out of the very nature of organized society, then that of husband and wife could, apparently, only spring from the nature of marriage, and its shape would be settled by facts connected with the relation of the sexes in that union.

This is the case. The physiological differences between man and woman lead to their being one flesh by her union to him.

This means not merely that he is physically stronger and able to extend to her protection, or to enforce authority, not merely that he is made to command rather than obey, to lead rather than follow, for all that would only be the tyrant's warrant for ruling the family. The difference between the sexes is more than a matter of strength and dominion. It is a matter of their entire physical constitution. Detailed treatment of this difficult subject is not necessary, for it is immediately perceptible that this difference is such that the sexual relationship must be, not of the woman's seeking and appropriating the man, nor can it be a mutually similar participation in life and action, but that it is, of necessity, his seeking and appropriating her, taking her to himself, perpetuating through her his own family.

Of course the psychological distinctions correspond with the physiological, since the body is only the expression of the soul, which forms it and builds it up. Mentally,

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man is active and appropriating, while woman is dependent and sought. These differences, which mark the minds and characters of the sexes, are as patent as they are beyond change by the wish and effort of any one. Nothing is more repulsive or abnormal than a masculine woman or an effeminate man; a woman who, feminine in body, is male in her mind, or a man whose body is the only token of his sex. When a man allows himself to be moulded or controlled by his wife, we regard it as abnormal; and when he is taken into her family and appropriated by them, it provokes a smile.

So is it that the relationship of man and wife is simply the result of the differences between them, and that facts of unalterable and eternal establishment have been the cause of the universality of the view of marriage which we have been considering. The equilateral idea is a physiological and psychological impossibility.¹

¹ Note A.



X.

The True Status of the Wife.



IN this position nothing implies the essential inferiority of the woman. That is not true, nor does it flow from inequality in the marriage relationship. That man is the active factor in marriage, the one into whose flesh the wife is taken up, does not derogate from her worth or value, except by a false estimate of worth.

Take the parallel of matters in church and state. Here we find distinctions of rulers and ruled. Every church and every state has to have such a distinction by the very conditions of organization, however lax its character, or however constituted it may be. Yet the subject is personally of no less worth or dignity before God than the sovereign ; the citizen

is not lowered in worth or dignity because he obeys the magistrate. So in the Church there are bishops and presbyters and deacons, or other officers, who are set over the Christian body, yet no one infers that they are personally superior to others, nor does any one think himself essentially humiliated by obedience to them.

It is, then, in both state and church, simply a matter of relative rank in the organization, not of absolute rank, as moral agents and children of God. It is the same with marriage; and this was what Paul meant by there being "neither male nor female" in Christ Jesus, while at the same time he taught that the wife is of the man's flesh. She is, in this organic relationship, for marital and family purposes, joined and subordinated to him. In heaven there is "neither marrying nor giving in marriage," for this, like the other subordinations of earth, religious and secular, ceases there. But while these three institutions last, their very nature leads to dis-

tinctions of order for their very maintenance and the attainment of their objects.

This calls for emphasis. Many advocates of change in the present condition of affairs act upon the idea that this condition degrades woman. It does not imply this at all. The argument is founded upon a wrong measure of worth, that is, upon the measuring of all by power as distinct from moral value, by physical rather than ethical standards. Let it be apprehended that the true standard of measurement for moral personalities is ethical, qualitative instead of quantitative, and then will it be seen that the fact that woman is subordinate in marriage no more means that she is inferior in worth than the fact that a man obeys the magistrate implies that he is inferior to him in the scale of being.

Really, measured by this ethical test woman may be, as many hold, — chiefly those of conservative convictions, — superior to man. Indeed, she is, perhaps, morally and spiritually more exalted. She is

more highly endowed with intuition and with feeling, as we know. Man represents strength, power, compulsion. She represents influence. He has dominion; she exerts authority. It may almost be said that his ends are attained as God attains His in nature, by might, while she reaches her own as God acts towards His children, by moral means.

Let those, then, who wish to give woman the same kind of prerogatives, the same position in the world as man, remember that this is to discrown her, to lower her from her majestic rank and sphere to one that is indeed more attractive to the natural eye, yet far less lofty than that which is her own, as the one who, weighed by ethical standards, excels in her possession and use of more spiritual forces for the doing of the will of God and ministering to the world.

Yet it remains true that, in marriage, the relation of the sexes is such that the "one flesh" can only be constituted by her

entering into man's flesh and becoming a member, with him for the head.


If what has been said is valid, then it would seem that the premiss is wrong which assumes that the man and wife are one flesh in a sense which renders the resultant relationships equal in both directions. It is then apparent that the theory of the Old Testament and of the New, of Christ and Paul, the theory of the Church's ceremonial and of the customs of the highest as well as the lowest civilizations, and the theory indicated by the very constitution of human nature, is that in wedlock, in the family, *the unity is in the man*. He takes the woman to be part of him, and they are one flesh because she becomes flesh of his flesh.¹

¹ See Note B.



XI.

General Consequences.

 HE consequences of this conception of the relation of the wife to the husband are seen at once to be very important and very far-reaching.

It must affect practical life and conduct in many ways. It must give a guiding principle in the selection of a wife. For, fortunately, despite the equilateral theory, the wife is still sought by the husband, and the initiative comes from him. And when marriage is really viewed, not as a contract on an equal basis, a delicate sort of business partnership, but as a man taking a woman into his life and making her part of himself, then, perhaps, more conscientious care will be exercised, more deliberation manifested, as to who is proper or congenial for this indissoluble act, than

now can be expected or necessary, when the union is regarded as a merely external alliance of independent persons, who reserve rights and remedies, and meet on a level in all respects.

But more immediately important consequences call for our attention.

The headship of the man in the family, — which, as has been said, is generally assumed as a self-evident truth, or defended upon unethical grounds, which leads to its being widely modified or rejected, — now rests on a valid foundation. It is seen to be a necessity ; whereas, apart from this view we are maintaining, it can, at the most, be said to be a law of God for which no reason can be given, except that of greater strength ; to which it may well be replied that a custom that rests only on such ground is of doubtful obligation when it can be laid aside. This theory gives it a complete warrant in the constitution of humanity, and meets any objection that it is either an arbitrary decree or an inex-

plicable tyranny. When apprehended, it must lead to deference and obedience and order in the home, and to the silencing of all unwomanly or unfilial disregard of the sacred and irreversible rights of the husband and father.

But it also defines the character and place of this headship in the relation of the household to the world. In that it makes the man the unit, or centre of unity, it makes him of necessity the representative of the family in the state. Politically, the family is summed up in him. But the state is made up of families. Therefore, the vote of a family is cast through the husband and father, each son becoming, of course, at majority, a separate possible or actual centre of a family unity. Wife suffrage is, then, a double absurdity, a sin against the ideas of both the state and the family. It can only be defended upon the assumption that the political body is composed of individuals (which is not true, for

it is composed of households), and then upon the additional hypothesis that the wife remains, after marriage, one of these component individuals, — which is at variance with what we have sought to show to be the law of nature and of God. For a wife to vote is, consequently, to rend the sacred unity of wedlock, and to place the commonwealth upon a basis which is as historically untrue as it is perilous, for no land can endure when severed from the basis of the family and the home.

So is it that many questions of wide import put on a new aspect when the woman is regarded as flesh of the man's flesh, and many conservative positions cannot be defended upon any other ground. Much as some who hold such positions seem unaware of it, they are yet really destroying what they would build up, in that they advocate the equilateral idea of marriage, and in shrinking from what they call radicalism they are only shrinking from the consistent carrying out of their

own teachings as to the parity of the wedded pair. It is vain and illogical to oppose wife suffrage, if one takes the ground that the man and woman are similarly related to each other, so that their kindred are equally near on both sides.

But we need not stop now to develop the whole bearing of our theory of marriage upon political and social matters, for other and more disputed questions call for consideration at our hands. Let it only be noted here that we do not enter upon the questions raised by the cases of women who are not wives ; that is, maids, and widows with or without children. Each of these three classes involves different issues, and will be differently affected by considerations such as those herein treated. The rights and status of such women need discussion. The subject is by no means exhausted. But it must be not only a discussion based upon the teachings of God and of nature ; it must also discriminate between these classes,

and between all of them and women with husbands. Much is lost to the cause, and much effective antagonism is aroused, by the way in which these necessary distinctions are persistently ignored by those who seek modifications of present laws and perhaps burdensome customs. The differences referred to are real, and any attempt to secure reforms without regard to them will only lead to worse "evils that we know not of."

Not that this leaves any room for woman suffrage in general, for the body politic is composed of families, and only men can represent the family idea; but it may leave room for such addition to the privileges of women as is connected with participation in municipal as distinct from national, or truly political, affairs, as well as many other spheres which will readily suggest themselves.



XII.

Consequences as to Impediments to Marriage.

PERHAPS the argument has been unnecessarily developed for a position so easily perceptible, whether accepted or not, but it seemed wise to so amplify it that its importance might be seen and its strength be fully felt.

If all this is so, then important consequences must follow as to allowability in marriage. It must make a practical difference whether the man and the woman are, or are not, so united that the kindred of one are equally of kin to the other, and this depends upon whether they are one flesh by union in a mutually similar transaction, or by her union to him. As we have seen, it appears to be the fact that the latter is the case, and if this is so, then the consequences must be logically and

consistently held in all questions of prohibited degrees. Of course all arguments and conclusions based upon the equilateral view fall at once to the ground. Old positions may be allowable, but they are not binding. Expediency may warrant such additions to the limitations of marriage as medieval law has made, but the moment they are based upon a view of marriage different from the true one, then error creeps in. So the old canon law is untenable, as far as it makes its inferences from the assumed parity of relationship on both sides a matter of divine or natural obligation.

The same principle must regulate all extension of the permissible range of marriages, as well as of prohibitions as to wedlock. Just as what is forbidden must not confuse, nor treat as equivalent, kinship through a brother and a wife, so must it be with what is allowed. It is not now said where or when the line is to be drawn, but only that, wherever it is drawn, the principle of the unity in the man should not be

contravened. It is a principle that always makes a difference, though it may happen that the issue is not very serious in specified cases.

Now let us apply this principle to the case of the deceased wife's sister. As has been said, it is argued that this is forbidden in Leviticus because the marriage of a brother's widow is, as is claimed, forbidden ; and we have also seen that this is based upon the assumption that man and wife are one flesh, in such a way that equal consequences flow in both directions.

But, if successful, this argument has shown that this premiss is the reverse of the truth, that they are really one flesh by her union to him. If this is so, she becomes a member of his family, while he does not become one of her own. We have seen how literally and really this is so, that she becomes one of his stock, takes his name, bears children to his family.

Then, of course, there is a reason why

his brother may not marry her when a widow, for that brother is, in theory at least, her brother. But it is equally true that, as the husband enters into no connection with the wife's family, her sisters are no more his sisters than they had been before. Therefore he may marry one of them as freely as any one else, as far as any real principle involved in matrimony is concerned. Did the woman take the man to herself, then he would enter her family and be debarred from marrying women who had become his sisters. But this is not the case. He takes her out of her family to be a member of his own, and no such results follow. That is, this theory of marriage, found in Scripture as in the customs of men, is a very good and sufficient reason for the absence of any prohibition in Leviticus as regards the deceased wife's sister, and for expecting one as regards the brother's widow.

The Levirate principle is a confirmation of this. That principle is, that when a

wife had no children, her husband's brother might marry her "to raise up seed unto his brother." What could more clearly express the idea that the woman is a part of her husband's family than this, that, by this device, the continuation of her husband's family should be secured ; a matter so much desired in Israel, and so important for reasons connected with its peculiar laws of inheritance of land. It is an intense assertion of the unity being in the man, and it directly antagonizes the equilateral idea to teach that a brother should take the place of a deceased husband when the latter has left no progeny. So, even this peculiar case, looking so much like a reversal of the principle, is based on the very theory maintained, of the woman's union to the man and his family, and excludes all idea of his being in any way united to her stock or on the same level as she is, in this matter of "one flesh." This Levirate rule was not confined to Israel. It was general, as is seen by the

customs of the Celts, the Greeks, and the Hindoos. In the ancient world a younger brother was required to marry the widow of the eldest one, for the same reason as among the Hebrews. But, on the other hand, it was not allowed to marry the widow of any other brother, while there is no prohibition among these peoples against marrying any sister of any wife. So is it that the distinction which we find in Leviticus was a principle of primitive races, and it would be against all *a priori* reasoning to say that a prohibition as to the brother's widow implied an intended one as to the wife's sister. Only a direct assertion could prove this, for it would be the reverse of what would be expected, in view of the customs of mankind at the time.

But let us turn now to the prohibitions explicitly given in the eighteenth chapter of Leviticus. They are as follows : a man may not marry his mother, father's wife, father's daughter, mother's daughter, son's

daughter, daughter's daughter, full sister, father's sister, mother's sister, father's brother's wife, daughter-in-law, wife's daughter, or grand-daughter.

It is not necessary to enter at length into the discussion of this subject. All we need to do is to ascertain whether this list of prohibitions is consistent with the idea of the husband's kindred being the wife's, while hers are not his own.

It will be seen that a man may not marry, besides his sister, women who are widows of his father, father's brother, or son. This is consistent with our theory, for they are of the flesh of said father, uncle, or son, and so are his own kindred. But he is not forbidden to marry any woman related to him only by the marriage of her kindred to him or to any one of his stock, except cases to be specified directly. Yet if a man married into his wife's family as much as she into his, then he would be shut out from her kindred as much as she from his own.

The apparent exceptions to the application of the principle we are considering are that a man is forbidden to marry his mother's daughter, his mother's sister, or his wife's daughter. No one of these is of his kindred, on our present theory, for they are children of men not of his own family, and the prohibitions may seem inconsistent. But the solution of the matter is found in the reasons given for these prohibitions. One of these women is said to be his sister, which she is, practically, being his step-sister. The other two are said to be "near kinswomen" of his mother and his wife. That is, these marriages are forbidden because of the kinships of these women to persons with whom he stands in close relations. Were the equilateral theory true, then these explanations would not be given, for, on that supposition, it would have sufficed to say that these women were in some way of the man's own kin, through the female side of marriage. So the very reasons alleged show

that these prohibitions were not the result of the same principle which led to those that referred to marrying wives of a father, an uncle, or a son. These apparent exceptions simply prove the reality of the rule, by explicitly excluding its application where consistency leads to this exclusion.

There are undoubtedly other elements in the omissions and prohibitions in this table, and reasons beyond the one we are considering, why some marriages are allowed which would seem wrong, and debarred which would seem permissible. There are many explanations of the problems suggested by this list, but we are not concerned in this at present. (See Note C.) That other regulative considerations beyond that of the unity in the man should be admitted, is not strange. It does not conflict with the fact that this one is consistently adhered to as basal, and is not violated either explicitly or implicitly.


So, all these prescriptions in Leviticus,

as well as all Old Testament practice and language, rest upon the woman's being flesh of her husband's flesh, and produce the discriminations which we find there.



XIII.

Consequences as to Divorce.

 ANY principle that affects marriage affects also divorce, if divorce is allowable at all. This would seem clear, for the theory which underlies any legislation as to the severance of the marriage tie will be connected with that which bears on its formation.

The current view would seem peculiarly adapted to educate people into lax views in this respect. Telling the world, as the law and teaching of the Church has so long done, that the husband and wife are equal and similar participants in the transaction of marriage can only lead, as it has done, apparently, to the idea of a mere contract between parties, on a common basis. This was the result, as a fact, in the history of Christendom. Both the civil and the ec-

clesiastical laws came at length to teach this view. But from thence it is a short and easy step to the conclusion that it may be, like other mutual contracts, easily severed. It will be up-hill work for the Church to remove this impression, and to make people believe hereafter in the binding character of the union, if it is a possibility. Logic will be on their side as long as the Church lays down the major and minor premisses that the two are one flesh by a parity of action in marriage, and that equal consequences result in both directions. It would seem therefore that the arguments commonly used for the retention of the prohibition to marry a deceased wife's sister, and of those connected with it, play directly into the hands of advocates of easy divorce, and that they who use them are giving away what they seek to withhold, when they argue against this abuse.

But not only is the facility of divorce in question; its scope is also affected. The

theory which is involved in the premiss as to the nature of the "one flesh," to which reference has been made, leads, naturally, to the inference that, if the man and woman occupy similar relationships to each other and to each other's kindred, then either of the two may, for sufficient reason, put away the other and dissolve the marriage. That is, it has indeed led to the woman's divorcing the husband, as well as to his divorcing her, and to legislation, in state and in church, which gives equal sanction to both proceedings, — puts them on a level. Such is the case with the canon law of the Protestant Episcopal Church, and of other churches in both continents.

But, to those who accept Scripture as authority, it surely must be significant that such is not the tone of its language. We never read therein of a wife's divorcing her husband. It is not granted her in Deuteronomy xxiv., where divorce is regulated by law. All legislation on the subject

bears upon what the husband may or may not do. And, in the New Testament, neither Christ nor Paul sanctions nor refers to any such proceeding. We read only of the man's "putting away" his wife; never of the reverse. A singular example of this is found in 1 Cor. vii., where St. Paul speaks of the relation of the two when one is a believer and the other is not. Even here, he says that the man may or may not "put away" his wife, but when referring to the latter, speaks of her considering whether she will or will not "leave," or "depart from," her husband. This discrimination in the words used indicates, it would seem, that the two proceedings were of very different sorts in the apostle's mind.

And there is reason for this distinction. The woman, by marriage, becomes a member of the man. Therefore she cannot put him away, for a member cannot put away the head. It is against the very idea of that relationship. But she also becomes a

member of her husband's family. Now, it is a principle of ancient and primitive law that it bases all on the idea of the family and of its welfare. But, as the family unity is in the man, and as the family is his, of which the woman is a part, divorce can only be treated as his recourse for reasons of family necessity. This is the case with Deut. xxiv., and is the key to its provisions, as it is even more markedly the basis of the language of the prophets. And it also shows that Christ, while limiting divorce to one specific reason, yet spoke deliberately in retaining the same feature of its being only the husband's privilege. For the impurity of the wife imperils the family, renders pedigree and all concerned therein uncertain, and so she may be put away. But the husband's unchastity, while it may be as sinful, yet has no such effects. It does not render it doubtful who are lawful children of his stock, who are entitled to the name that he and his wife both bear, and therefore

does not call for the severance of the marriage tie, that is, the dissolution of the family.

That is, divorce, as far as Scripture goes, seems to be a measure for the protection of the family and of the rightful inheritance of whatever is to be transmitted to children, and so a remedy open only to the man. It was so with other ancient peoples. It was an unknown thing in Rome for women to divorce their husbands, until the corrupt days of the closing history of the Republic, when it came into vogue with the notorious laxity that prevailed upon all questions connected with marriage, and it is still an unknown thing among non-Christian peoples, except in polyandrous lands. And although it has been for a long time allowed by churches and states of Christendom, it was not, however, known in early Christianity. It was centuries before any such idea was tolerated as that any woman should be allowed to "put away" her husband, even

while the equilateral theory of marriage was spreading in the Church's legislation. This shows how that theory was unacceptable as to its consequences regarding divorce, where it conflicted so directly with that deeper conception of the marital union which was indicated by Scripture, the ceremonial of the marriage service, and the dictates of propriety.

But on what grounds may this extension be defended? This has hardly been discussed at all. It has been passed over without inquiry, to a most strange degree, and learned books, that claim to be exhaustive, never ask the question. Yet some reason must be given by Christians for thus going beyond the legislation of Christ, and reversing His view of the relation of husband and wife. One argument, which would seem to lead to a real discussion of the matter, is that, in one place in the Bible, Mark x. 12, a woman's putting away her husband is spoken of

by Christ. Yet this is referred to without any inquiry why it is the only instance of such an expression, or any notice of the bearing of that fact upon the whole passage. For Christ only mentions it to say that, if any woman did this, which was at the time a spreading custom in Rome and Greece, she committed adultery. One would think that the isolated character of this form of expression, this sole mention of such a contingency, would have led to reflections which it does not seem to have produced.

But the extension of the privilege to the wife seems more or less tacitly based upon three classes of arguments.

On the one hand, it is held that divorce is a remedy for unhappiness in the family. This is a matter of supreme moment, we are told, and warrants the dissolution of the marriage tie. But as this may arise from the side of either the husband or of the wife, and as they are on a level in all respects, both may have recourse to it.

This is the basis of all that legislation which is radical or lax in character, and although there is no Biblical warrant for it, it was formulated by Milton, with a force and thoroughness which have not been improved upon since, in his great appeal to Parliament in behalf of easy divorce.

Another line of argument, and one which is very effective, is that divorce is a penalty for sin, and, though not granted to the wife in the Bible, yet must be in these later and more spiritual days. For the sin may be that of the husband as well as of the wife, and, they being similarly related in wedlock, either one may seek that release from the tie which punishes the unfaithfulness of the other. This is the basis of that more conservative legislation which marks some churches and some states, and which is in strong contrast with the looser rules of others. It starts from Deuteronomy xxiv. 1, where we read that divorce is warranted by "some uncleanness," or, in the margin, "matter of nakedness," and

also from Christ's utterances as to the permissible ground of divorce.

In reply to these arguments a few considerations may be adduced.

In the first place, while both state and church may legislate regarding themselves, yet it is difficult to see how they can legislate regarding the fundamental features of that equally divine institution, the family, in any way that affects the norm laid down not only by nature, but by revelation. Yet such is the character of legislation which extends the privilege of divorce to the woman as against the man. It is a great and far-reaching alteration, and carries with it very serious consequences, as will be seen.

Again, as a simple fact, divorce is a remedy for a definite evil, the imperilment of the family, in the purview of Scripture, and in its practical working. To make it a penalty for sin, or a relief for family unhappiness, is to change its entire character, is revolutionary in its operation ; and

such a change would seem to require an explicit declaration from adequate authority.

Again, it is essential to this feature of modern divorce laws, — the extension of the privilege to women, — that the complete parity of the wedded pair be postulated as its warrant. But this is, as it has been our effort to show, an assumption which is at variance with the divine law of marriage, and therefore any position based upon it is untenable unless there is some explicit declaration in its favor, which surely we cannot claim to possess.

And, furthermore, the difficulty arises in practice that there is no fixed point at which to draw the line as to what degree of family unhappiness or of sin may be a sufficient reason for divorce. In regard to the former, this is seen in the treatment of Milton. He comes to the conclusion that anything is adequate reason "which hinders the solace and peaceful society of the married couple," and all keen and log-

ical men who start from the same position tell us the same thing. It is also seen in the legislation of some of the best States of the Union, which cannot be called unprincipled, but must be conceded to be guided by some theory. As regards the degree or kind of sin which shall be punished by divorce, that is also a matter not easily decided, and they who start from this conception of the dissolution of marriage may well differ as to its application.

There is a third argument employed by some, which is that marital unfaithfulness dissolves of itself the tie, or contract, between husband and wife. This is the theory of many who limit divorce to that one ground which is mentioned by Christ, and is made the basis of its extension to the wife's recourse, since the act may be that of the man as well as of the woman.

It is conceded that this puts a definite limit to reasons that may warrant divorce, but it is open to great objections. In the first place, it is without Scriptural warrant,

in that it makes wedlock a contract between two parties, instead of a union of a woman to a man, and in that it makes divorce a different thing from the husband's putting away his wife for adequate cause. Again, it is well replied that it opens the door to great abuses. Either party may, on this theory, dissolve a marriage whenever he or she desires it. Both may agree to escape in this way from an irksome union. And, beyond these contingencies, it leaves no place for reconciliation and pardon, for the tie is severed and a new marriage would be demanded by the theory. These difficulties have prevented this idea from wide acceptance among those who have felt them, and seem to be decisive as to its untenability.

So there seems to be no way of preventing the abuse of divorce, if any principle is admitted which will extend it to women. Make it a remedy for the peril of the family, and so the husband's recourse, and then there is a hard and fast line of de-

marcation, which has a reason that is clear. Depart from that principle, and then it is difficult to see why any one can say at any point, "Thus far and no farther," for any theory that will include the wife's recourse to this step opens *ipso facto* a door which admits evils that we shrink from.

This does not leave the wife without redress if her husband is cruel or unclean. No; she has the relief intimated by St. Paul, when the husband was a heathen whose society was intolerable because of pagan habits. She may "leave" him. That is, legislation may secure her separation *a mensa et thoro*. But this is not real divorce, or separation *a vinculo matrimonii*, which leaves both parties free as before. This is nowhere said in Scripture to be allowable as the privilege of the wife, nor does it appear how it is consonant with the changeless laws of marriage and of sex.

It is felt that there may be those who

will give other reasons, or present more cogent arguments, for the extension of the right of divorce to the wife, and so the writer will not say that the question is closed, or that the present custom is indefensible. But it is asserted that, as far as is known, no consideration of the matter has taken into the account the theory of marriage and its consequences, and they must be reconciled with this custom, which both state and church now sanction, before Christians and moralists can grant that there is warrant for a practice which seems so directly to subvert the basal principles of wedlock, as regards the sense in which man and wife are one flesh.

It is often maintained that one addition may be made to the Scriptural legislation on these very principles, which is, that divorce may be allowed for desertion, for this too is a sin against the family, frustrates its character and object. This is the probable basis of the legislation of some of our

States, which do add desertion to unfaithfulness as cause for absolute divorce, extending it, of course, however, in both directions. There is reasonableness in this, as regards the husband's remedy. If, as we believe, Christ allowed the latter act to be a warrant for putting away a wife, on the basis of the welfare and necessity of the family, then the same consideration may plausibly warrant the adding of this one, without departure from the most conservative position.

It may be said, however, that this leads naturally to what has happened, the allowing of divorce for other reasons which have the same effect as desertion, such as illness, mental or physical. But here a distinction is at once valid and applicable, that is, the difference between a misfortune and a fault of the wife. A privilege may well be denied in the former case which is reasonable in the latter, as is the fact in the jurisprudence and legislation of the most conservative and moral communities.

It may be chimerical to expect any such change in the law of the state or the practice of the Church as that of limiting divorce to sin against the family and to the husband's recourse, but our question simply is, What is right and true in the abstract? What positions must not only Christians, but ethical thinkers assume? It is clear that restriction on this basis, while not leaving the wife without due protection, would bring about a better day in checking a growing evil, which is defiling Christendom, destroying family life, corrupting society, legalizing impurity, sanctioning polygamy, — which, though apparently not simultaneous, is yet only successive in semblance, when marriages are not actually dissolved, — and scattering through civilized lands children who have no rightful names to bear, no lawful and stimulating ancestry to claim, no homes, no honorable place in the community.

But, in reply to all this, there are those

who will maintain that Christ entirely abolished divorce, and that it should not be allowed to the man, much less extended to the wife.

The argument for its allowability as the husband's remedy is based, as has been said, upon Matt. v. 32, where our Lord is believed to have rebuked the abuses of Deut. xxiv. 1 on the part of the Rabbis. They had taught that the reason there given for divorce, "some uncleanness" (or, in the margin, "matter of nakedness"), could be made to cover reasons the most trifling and arbitrary. His saying that it was only warranted for cause of impurity and that a woman who was put away for any other reason contracted an illicit union by remarriage is, therefore, regarded as meaning that this step should be confined to cases where the family integrity was at stake.

The answer given to this argument is twofold.

On the one hand, it is maintained that the Greek word, *porneia*, used in Matt. v.

32 to describe the sin which warranted the divorcing of a wife by her husband, means only impurity before marriage, whereby the marriage was a deception and void, as it was regarded in Israel, the woman being put to death, so that Christ's language warranted no divorce at all, in fact. Had He meant, it is added, that the tie might be dissolved for impurity after marriage, that is, that a real marriage might be undone, He would have used the word *moikeia*. But, on the other hand, many urge that even this permissibility of divorce for antenuptial unchastity is excluded by Christ in Mark x. 11, where He forbids it without any qualification. This, which is held by advocates of the former opinion to be only a general statement which may be modified by Matt. v. 32, is maintained to be the absolute rule, so that the statement in Matthew must be interpreted as a temporary law for Israel alone, or in some other way.

Into the controversy which this apparent discrepancy between the Gospels has pro-

duced, we cannot enter. We may note, however, that not only do Protestant commentators usually hold that St. Matthew gives the rule, not St. Mark, and that *porneia* means all unchastity, but this is also the interpretation of such church fathers as Clement of Alexandria, Tertullian, Cyprian, Basil, and of the Eastern Church in general, ever since.

But perhaps the question may be solved in the light of our position. Not that we are concerned in defending divorce at all, but the theory of the unity being in the husband may afford a clue to the decision of a question that vexes many earnest minds.

There is little doubt that *porneia*, in Scriptural usage, may cover all unchastity, as authorities of the highest rank maintain, and as would seem evident from the fact that it is the only word used for impurity in the decree of the apostolic council, Acts xv. 20, and in the two places where that decree is subsequently referred to, Acts

xv. 29; xxi. 25. Our Lord may then have used it, in Matthew, to cover all unchastity either before or after marriage, because either would render a woman unfit to be trusted with the interests of a family, as well as wedded under deception, if the former had been the case. Had He used the word *moikeia*, then it might be said that no degree of ante-nuptial sin, when discovered, would warrant divorcing her. This word would, then, by its selection show His opinion that the aim of divorce is the protection of the family, and is allowable to the husband. As to the passage in St. Mark's Gospel where the prohibition of divorce seems absolute, it may be that the usual view—that it is to be interpreted in the light of the fuller statement of St. Matthew—is confirmed by our theory. Christ, or the Evangelist who reported Him, may have known that it would be understood that sin against the family was always a ground for divorce, as a matter of course; and it is very difficult to believe

that He would have excluded it when speaking to those trained as the Jews were without explicitly saying so.


It is admitted that this solution may be questioned by others, but the discussion of the issue raised as to what Christ meant has not yet taken such considerations into the account, and they appear to be decisive, if true. Especially does this line of thought meet one objection. It has been often held that the way in which *porneia* can work forfeiture of the marriage tie is that it *ipso facto* dissolves wedlock, and that this is what Christ must be made to mean, if His utterance in Matt. v. is to control. Opponents of all divorce have then called attention to the dangers which, as we have seen, arise from such a position. But they all arise under the equilateral theory. Upon our theory, this sin does not of itself undo the tie, but it warrants the husband in seeking to put away the wife, by whatever steps are open to him. This can lead to no collusion to se-

cure freedom from a regretted marriage, for the man cannot get it by purposed sin, and the woman will not, since it is she who would suffer, and she cannot marry again, according to Christ's rule.



XIV.

Some Objections.

OME may say that the view that has been advocated is based on a low idea of marriage, as turning on the question of the family, and that the whole matter assumes another aspect when it is regarded from the higher conception of the union of congenial minds in a spiritual communion and fellowship.

None have deeper appreciation than they who hold the theory in question, of the spiritual and mental features that should enter into the true realization of wedlock. It is safe to say that they who hold the strongest views in the conservative direction have been those that have taught and exemplified this side of marriage in the highest degree. Where there has been a tendency to ignore the ancient and Scrip-

tural conception of the wedded life, as regards the dependence of the woman upon the man, and the binding character of wedlock, it has not been accompanied, as a rule, by a very highly ethical or spiritual conception of that life, nor has it resulted in the end that some would seek, a tenderer and loftier fellowship between man and wife. So-called "modern" conceptions of marriage may bring about a more intellectual form of it, but do not seem to result in more religious or more sympathetic relationships.

But beyond this fact, that stronger views of wedlock actually foster the higher features of married life more truly than lax ones, it is a dangerous position to take that regulating our treatment of the subject in the light of the question of the family is low ground to assume. It implies a denial of the sanctity of the family, and of all questions connected therewith, and an assertion that there is a higher life than that of the home, which is a perilous and

pernicious heresy. The holiest thing of earth is the home ; and all related thereto, as bearing upon the training of souls for God's likeness and presence is, ideally, sacred. The tendency, therefore, to place marriage on a higher basis than that of the family is furthered at the expense of its sanctity, is a slur upon the constitution of humanity, is a spirituality that is fallacious, though specious, fosters uncleanness by natural inference, is a Manichean view of divine arrangements, and is sure to bring, as it does bring in modern life, its Nemesis in obliterating the distinction between licentiousness and purity, and in practically denying the sacredness of the mission of the home to further the upbuilding of the Kingdom of God, a redeemed and immortal humanity. Let lofty ideas of marital relationship be inculcated, indeed. They are sorely needed now. "Two hearts with one beat, two souls with one thought," is a condition not as often witnessed as it should be, and all should labor to render it

more frequent. But it cannot be attained by ignoring the laws of the family. It must be fostered in accordance with the principles that are innate in the constitution of the sexes, and found in the constitution of the home.

Some will and do say that the fact that this is a fallen race, and prone to sin, must modify all we say in this connection. A short answer can be given, that, though fallen, the race is redeemed, and in the work of the Spirit of God, applying the atonement of Christ, are there such bright hopes, such possibilities for the future, that we need not, and we must not, teach that the idea of the family is to be sacrificed, its mission given up as hopeless, because of human depravity.

It will be objected, again, as was said at the outset, that the implication that all Christendom, both in church and state, has gone astray in its legislation is fatal to the theory defended. How can it be that

there has been such a conflict with Scripture, the customs of mankind, the laws of propriety, the relation of the sexes, and the ritual of marriage?

It would seem to be in this way. The early Church had to counteract two things. One was the social degradation of woman in heathendom, resulting in much cruelty and suffering. The other was that denial of religious privileges which was so frequent. She was often refused even the hopes and needs of religion, and generally, at the best, equality in its ordinances and rites. This was true not only in heathendom, but even in Israel, as it continues to be still. To meet these evils, the Church had to emphasize the truth that no such practices are consistent with Christianity; that men and women are equally heirs of the same hopes and privileges, and equally children of God; that, in Christ Jesus, there is "neither male nor female," for such distinctions do not affect standing before the Lord any more than national differences,

and that the woman, though "the weaker vessel," is to be honored and recognized as a peer, and not an inferior, before God.

Furthermore, while this desire was at work, another fact was exerting its influence. The early and pure Roman law held, as has been said, the union of the wife to the husband. But in the second or third century after Christ, owing to the relaxation of primitive convictions and the influence of speculations regarding so-called Natural Law, the idea of the parity of the sexes secured acceptance among the lawyers. This naturally affected Christian thinkers, especially when the Empire and Christianity formed an alliance, and theologians took hold of the idea as aiding in the accomplishment of their lofty wish for woman's elevation.

Thus it happened that, at a time when attention was not directed to the theory of marriage, they who formed the sentiment of Christendom went so far as to imply equality in the family, and parity of rela-

tionship in the conjugal union, even to the degree of making the kindred of either similarly related to the other. It made sad havoc of the analogy of Christ's relation to His people; it contravened the teaching of Scripture; it was in the teeth of physiological and natural facts, and of the customs of both the Church and the world; but they did not see this of old, and so they gave the trend to a legislation which has long enough been in opposition to all those principles.

This legislation on the part of the Church, which regulated all such matters in the Middle Ages, became very burdensome and absurd in course of time, as will be seen by reference to the literature of the subject, and several revisions and limitations were made. But the chief feature remained to the last, and in the revision made by the Church of England at the Reformation, while the list of prohibitions was still further limited, yet in those retained, the basal idea of parity of relation-

ships between the man and wife was adhered to.

It will also be said that this view is condemned by the harshness of its alleged bearings on divorce. On the one hand, and this is the argument used chiefly on the Continent, it is said that it demands too much of human beings, with their passions and weaknesses, to give only such relief for unfortunate marriages as is implied by making divorce only the husband's remedy, and for the reasons given. To this we can only reply that men and women are expected to control themselves, and that God's grace in Christ is given just for this purpose. That they do not avail themselves of divine help is not to excuse their disregard of His will. It may also be added that if they were less easily relieved from such difficulties, perhaps they would marry more deliberately and soberly.

The other objection is that this view puts the wife in the power of a husband who

may be cruel, and that, even if true, yet it must be given up because "mercy is better than sacrifice." This is by no means the case. The right and duty of protecting women remain, on this theory, just where they were before. It has only been urged that she must not be protected by action that implies untenable positions. Laws in her defense must be made, as has been already noted, and each age and land should enact such statutes as will shield the wife from cruelty, from robbery and impoverishment by a worthless or dishonest husband. She may be protected from contact with him, if he is base and bad. But this need not carry with it a denial of the principle underlying marriage, nor ignore questions upon which so much turns. Children, to put a parallel case, may be defended from cruel fathers, but the law, in so doing, should not overthrow the principle of paternal authority, nor treat this part of the family relationship as a relic of effete ideas. So let the Church and the state, in

protecting the wife against the husband, act in accordance with the theory on which marriage rests. Thereby redress can be secured for abuses without letting in other evils compared to which all that now awakens our sympathy or our indignation is but insignificant, — even the dissolution of society and the loss of the home.

Yet before we leave this vexed question of divorce, mercy and reason may well call for one or two qualifying remarks. On the one hand, we admit that, as the laws of many States are framed, there is no relief from intolerable burdens and sufferings, except by steps which are not consistent with the position herein assumed. We must be slow to condemn those who, thus situated, take advantage of the only way open to them, for not to allow it would often be asking more than can be expected. This principle must be admitted, perhaps, with even wider application. In the disordered condition of human society, cases will arise in all directions where rules


must be broken to avoid worse evils, and so this rule may meet with such exceptions. But, nevertheless, the rule, the norm remains, and it need not be denied when infringed under stress of necessity. Revolution is a right, when warranted by sufficient reason, in the state, the Church, the family. They, like the Sabbath, were "made for man," not man for them. Yet each one must answer to God for the reasons that lead to revolution, and the presumption is all against it. Life is full of ills which we simply have to bear as long as we can, because the remedy can only be attained at too great a price.

On the other hand, they who hold the position of this essay will also be slow to condemn any who act otherwise, as long as the Church sanctions their doing so. No one is to be summarily blamed who conscientiously does what the Church allows, much as it may be opposed to conclusions to which others may have been led by their study.



XV.

Concluding Remarks.

HE bearing of all this upon the Church's influence and teaching is perhaps worth noticing. As the matter is widely presented now, the appeal to married people is substantially that they should love and cherish each other, because occupying similar positions, and co-participants in a mutual contract. There is no sufficient reason, on this ground, for any marked inculcation of protection on the one side, or of deference on the other, and very little, consequently, is said about these features of married life, either because it is feared it will be repudiated, if such teaching is given, or because it is not believed by the teacher. All that can be affirmed on this equilateral theory is that people who have agreed to live together in

this sacred relationship should be kind and considerate to one another.

It would seem an improvement to teach, as St. Paul did, that "so ought men to love their wives as their own bodies; he that loveth his wife loveth himself." Such teaching would make the husband feel that it is not a matter of being true to a partner, but of tenderness to one who should be as dear as his own flesh. Wives, too often indeed, need the aid of the Church to secure proper treatment in their weakness and dependence, and they might be efficiently helped if husbands were taught that the woman, being joined to the man, is entitled to the same care and honor he would give himself, or demand from others. On the other hand, the husband needs deference from the wife, to do his part in the family, and for the family in the world, and that will only come when the wife sees that she is joined to him, and that she may look to him for protection and for guidance. That is, the ideal of marriage

is seen when the man cherishes and cares for the woman, and when she trustingly and fondly leans on him, giving him the peace and help of her gentle influence in return for the sheltering, providing strength of his strong arm. This will be realized only when the truth is lived up to, that she is not a mere partner in an agreement, but flesh of his flesh.

Some will smile at all this, as antiquated and fanciful, but they, whether men or women, who have ever had the blessing of a marriage so constituted, and tasted the peculiar tenderness of such a relationship, will know that it is the ideal of wedded life, and so the culmination of earthly happiness. They would not allow for an instant that any other conception of wedlock is as high or as helpful, and would scorn to contemplate living in that cold and business-like way with which some married couples appear content, yet which is only a contract. Perhaps, if this idea were more often set forth, it would be better

understood and become a more frequent thing. The true woman will find her happiness in resting on a strong and tender husband. The true man will love to stand between the roughnesses of a hard world and the wife that leans on him. But the attainment of this ideal of wedded life depends upon the Scriptural and ethical conception of marriage.

Here we leave the matter. It is hoped that it has been shown that the Bible teaches that the man and woman are one flesh because she is flesh of his flesh.

It is also hoped that it has been made clear that such is the belief of mankind and the law of nature. If any one doubts this, it can be easily tested. Let the objector try to call a woman's children by any other name than that which her husband bears, and then see what the common sense of men will reply, and the reasons they will give for their ridicule or reproof. Or, let him try to write poetry or

fiction, to reconstruct the works of Tennyson or of Scott, on the equilateral theory, and then offer the results to the criticism of mankind.

From this it results that the kindred of the wife do not stand in the same relationship to the husband that his kindred occupy towards her, and that from the teaching that they are one flesh it does not follow that, because the Levitical law forbade a man to marry his brother's widow, it also forbade, by implication, his marrying his deceased wife's sister. In the former case, it would be marrying a woman who had entered his family and become his sister by union to his brother. In the latter case, it would be marrying one who stood in no relations of kinship, hypothetical or actual, because taking one member out of another family to be his wife creates no tie between the rest of that family and himself. That would only ensue if the woman took the man to herself. Then indeed he might not marry his de-

ceased wife's sister. But as long as the laws of sex and the consequent customs of mankind remain as they are, so long will it be vain to try to make out that husband and wife are similarly related to the kindred of each other, or that she is no nearer to his brothers than he is to her sisters.

One last word to avert a possible misapprehension of the object of this essay. It is not imagined that the theory which has been advocated could regain supremacy, or that the customs and laws of centuries and of whole nations could be so completely reversed as would be demanded for the consistent application of this principle to both marriage and divorce.

But it is believed that it is not in vain to set forth the norm as to wedlock and the family, if this be that norm. It may help those who are seeking for the truth, and it may serve as a criterion to test measures of reform in ecclesiastical and civil legislation. It may also serve to re-

call the ideal of wedded life and family unity to those who have lost sight of it, and show that it is expressed in our old English word "husband," which is properly *house-band*, the band and bond of the house, who binds and holds it together. If it is said that this is a world where ideals are not to be realized, that the ideal family is as vanished as the lost Atlantis or as impossible as the perfect church, we still reply that the labor is not in vain which seeks to set it forth to a race which is happy in measure as it is approached. Yes; we further answer that it is not without fulfilment, that there are many homes where that bliss is known which is found in the divinely willed relation between husband and wife.



NOTES.



NOTE A. (Page 61.)

PHYSIOLOGICAL CONFIRMATION.

It is to be noted here, rather than in the text, that in the opinion of many physiology confirms the opinion of this essay and teaches that the silences and prohibitions of Leviticus are based upon a deep and mysterious biological law. It is said to be the fact that, in the animal realm, it has been discovered, as far as observation has gone, that the female tends to partake of the physical characteristics of the male, even when she bears no young, as well as when she does. So far does this go that, in observed instances, subsequent progeny often bear the mark of the new features imparted to the maternal life. These investigations have not only embraced the higher orders of being, but have found equal corroboration among the invertebrates.

Some men of science have held and still hold that this is the law of sexual relationship, and that

it applies to mankind as well as the lower animated realms. They point to many facts and recorded data as proof of this position, accounting for apparent departures from the principle by the action of the element of personality, under favorable circumstances.

Of course, it is seen at once that, if true, this fact would make the wife, in a very literal sense, flesh of the man's flesh, partaker of the life and blood of his stock, and so indicate a marvellous wisdom in those who, thousands of years ago, laid down the principles of Leviticus. It would also afford a basis of the most irrefutable character for all the customs of men which make the woman of the man's family, while he is not regarded as belonging to her own.

But this idea is not sufficiently established to base an argument upon it, nor are its difficulties easily answered, although, as I am informed, it was the belief of Agassiz, among other men of scientific repute. Yet it would seem that such data as are ascertained throw the presumption against the equilateral theory of marriage, for there are enough facts that do illustrate the working of this law to show that there is no such stable equilibrium of mutual influences as that theory supposes and needs for its vindication.

The whole question of the physiological rela-

tions of man and wife is one that is little understood, and is perhaps insoluble. But it is clear that there are indications to the effect that there is more to be said for the scientific correctness of the rules of Leviticus, and the primitive customs which they reenact, than has been known in the past, or is admitted in the present.

NOTE B (page 66).

THE ORIGIN OF THE FAMILY.

THE treatment of this subject has assumed, as will be noted, the institution of the family. That is, it has avoided the controversy which lies back of this, as to the origin of the family, between the two schools, represented on the one hand by such books as that of Sir Henry Maine's, "Ancient Law," and on the other by McClennan's "Primitive Marriage," as well as by Sir John Lubbock's "Origin of Civilization," Bachhofen's "Mutterrecht," and other works. The former starts from the existence of the family in the patriarchal shape as the primal and established form of human society, the instituted relationship with which the race entered upon its career. But the latter, in the treatment of McClennan, applying the evolution hypothesis without restriction, explains the family, in the sense in which we understand that word, as the final outcome of progress from the animal and

savage state, under the working of the laws of sexual relationship and sexual differences, through the stages of, first, promiscuous polyandry, then regulated polyandry (the husbands being brothers), and, lastly, monogamy, or the exclusive possession of the wife by the oldest brother, or first husband.

This discussion has been avoided because it is a wider field than this essay was meant to cover, and because it has received, and will yet receive, treatment at other hands.

Yet it may be noted that this evolution theory of the family would only confirm the position of this essay, if true, and demand of its adherents assent thereto. For, substantially, that theory is that the family as Scripture presents it, with the headship and unity in the man, and agnation, or kinship through males, is the outcome of an upward progress, the necessary result of those differences between the sexes which demand the taking of the woman by the man to himself, and to her being made part of his family stock.

Consequently, they who hold this theory of evolution are bound to support the New Testament idea of marriage, and are debarred from the ideas which are prevalent in some quarters, and chiefly among adherents of that very school. For to seek now any form of the marital relationship which involves parity in the union is, on this evolutionary

hypothesis, like polyandry, receding from results of evolved progress and returning to the lower conditions that marked earlier stages of human history.

The work of McClennan has peculiar value and interest because of its learned collection of facts regarding the customs of polyandry, kinship and inheritance through the mother, supremacy of the mother in the family, the taking of the wife's name in some countries, and other similar anomalies. It is upon these facts that the theory is based which he advocates. He regards them as relics of that primitive condition of mankind which has been outgrown, whereas the theory represented by Maine views them as lapses from a higher preceding condition. So, upon either theory, any view of the family or marriage but the usual one is indefensible; for it would be, on the one hand, reverting to a superseded stage of society, a return to barbarism, or, on the other, the adoption of ideas that are degenerations from the norm established at the opening of human history.

Not that all the features of the family relationship as we have them were fixed at the first. It is admitted that many details are the result of steps towards the adjustment of the norm to successive emergencies; but the fact remains that the unity in the husband and father is the underlying idea. It would carry us beyond our limits to discuss the in-

consistencies that have appeared in certain periods of history, or under disturbing local influences, traces of which exist in the laws and customs of various lands, and which are not always easy of solution.

It may be added here that besides the authors given in the text, the authority of McClennan and Maine has been relied upon for facts as regards ancient or primitive customs and laws.

NOTE C (page 81).

THE LEVITICAL TABLE.

THERE are several very difficult problems raised by both the assertions and silences in the Levitical list of prohibited degrees. Certain marriages are not forbidden which analogy would seem to forbid, and others are unlawful which seem more reasonable than those not declared to be so. For instance, it is forbidden to marry a father's sister, while it is not forbidden to marry a brother's daughter. It will not do to say that this is only due to inadvertence, or left to implication, for there is too wide a range of this sort, and one too consistently carried out, to admit of this explanation. There is evidently a method in the selection that is

made, and a deliberation based on some principle. There are many indications that some rule was observed beyond that fundamental one of the unity in the man, which was expected to be understood or discernible upon study.

But too generally this Levitical table has been treated either as a matter which is to be decided by no consistent principle, or as if the secret were hopeless, if there is any rule lurking within it.

The theory that commends itself to many is that which is well expressed by Phillipson, in his "*Israelitische Bibel*," vol. i., p. 588: Leipzig, 1868, 3d ed. The following translation of the conclusions he draws is, with one or two modifications, from McClintock and Strong's "*Cyclopedia*," article "*Marriage*."

"All members proceeding from a common father or mother constitute one issue, because they possess together the same source of life; while the ascendants and descendants in a straight line form one line, because they have, one after the other, and from each other, the same source of life. Hence the law: (1) Two members of the same issue, or two members of the same line, are not to intermarry, because they have the same source of life. But, inasmuch as the ascending is the primary to each descending issue, and the descending is the derived to every ascending, an ascending is-

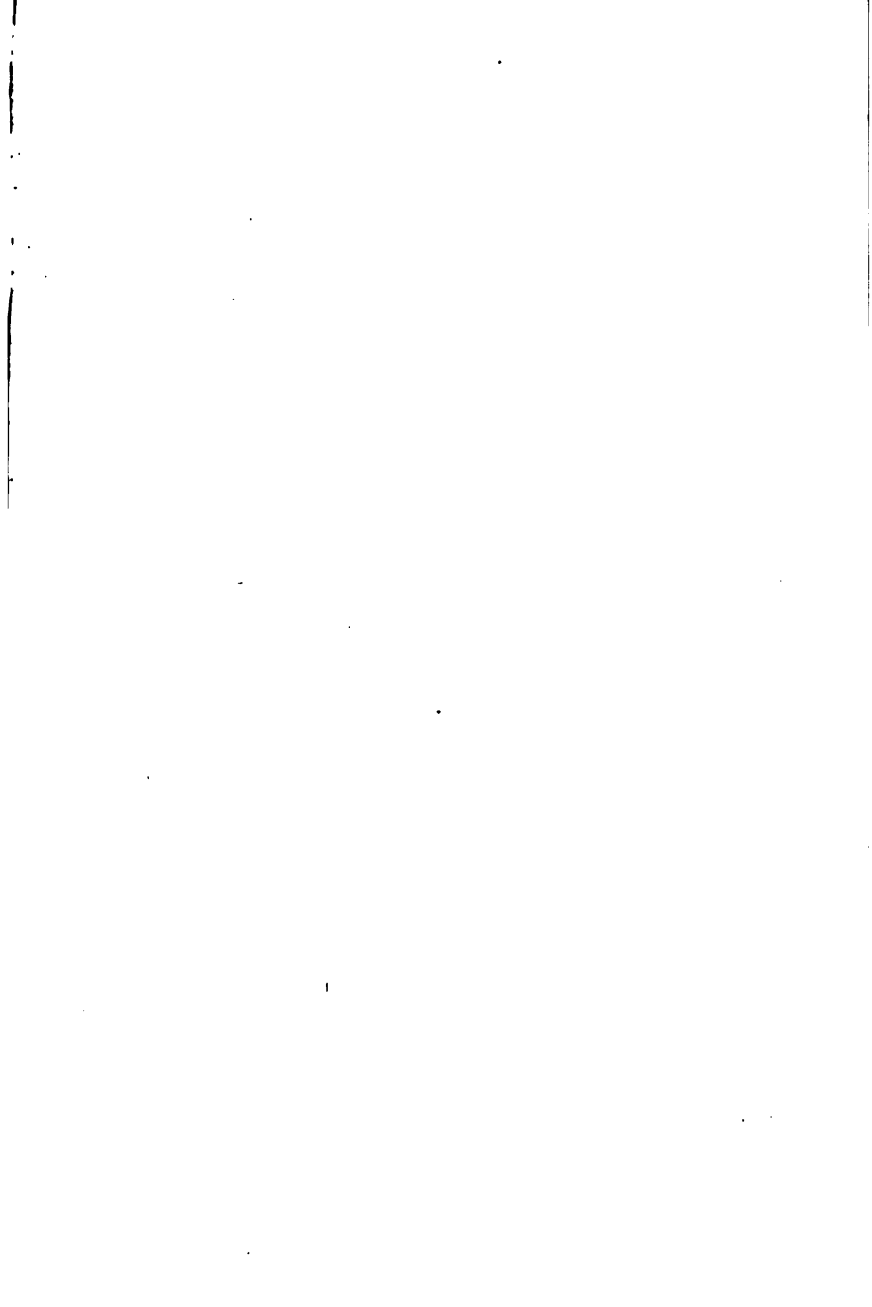
sue may press forward out of the straight line, or step down into the following (that is, the primary into the one derived from it), while the succeeding cannot go backwards into the foregoing (that is, the derived into the primary). Now, as the man is the moving cause in carnal intercourse, hence the law: (2) That a male member of the succeeding issue must not marry a female member of the preceding issue; while, on the contrary, a male member of the preceding may marry a female member of the succeeding issue, provided they are not both of a direct line. Half blood and step relations make no difference in this respect, since they are identified, both in the issue and in the line, for husband and wife become identified. It is for this reason, also, that *the relationship which the wife always assumes in marriage, with regard to her husband, is such as a blood relation bears to her*; hence it is, for instance, that a brother's wife is proscribed, while the wife's sister is allowed.

“ Thus the principle of the Mosaic prescriptions is a profound one, and is fully borne out by nature. Connubial intercourse has for its object to produce a third by the connection of two opposites, but that which proceeds from the same source of life is merely of the same kind. Hence, when two, originally of the same kind, unite, it is contrary to the true design of such intercourse, and can only

proceed from an overpowering excess of rude and animal passions. It is a defilement of the nature and morality of man, and the highest defilement."

It will be noticed in the above, how this learned and able Rabbi assumes, as evident, the identification of the wife with the husband, and gives the same reason that we have given for the silence of the Levitical table regarding the case of the wife's sister.









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